

REMARKS

Claims 1-20 are all the claims pending in the application. It is noted with appreciation that claims 1-16, 18 and 19 have been allowed, leaving claims 17 and 20 the only rejected claims. In view of the amendments above and the following comments, it is submitted that the application is in condition for allowance.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 17 and 20 currently stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being incomplete for omitting essential elements. The Examiner asserts that a filter is the omitted element. Applicant has amended claims 17 and 20 to recite, *inter alia*, "indicating particle transmittance through an element of a smoke detection system" and to further recite "detecting the amount of smoke passing through a detection chamber associated with the smoke detection system." It is submitted that claims 17 and 20 now comply with § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102

Claim 17 currently stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Know (U.S. Patent No. 6,052,058). Applicant respectfully traverses this rejection.

The Knox patent is commonly assigned to the assignee of the subject application. The Knox system counts *dust particles* in order to detect the point in time at which a filter must be replaced. The present invention is considerably different, at least because it detects a level of first particles have a sized indicative of *smoke particles*.

The Examiner asserts that counter 156 of Knox corresponds to "summing the amount of detected smoke passing through the detection chamber over time to ascertain total integrated smoke hours", recited in claim 17. Applicant respectfully disagrees and submits that Knox does

not disclose this feature. Counter 156 of Knox does not sum the amount of detected smoke, but rather it counts the number of dust particles that pass through the detection chamber 14. As is indicated in Knox, discriminator 154 is able to distinguish spikes 150 in the output signal (illustrated in FIG. 4) that are caused by the dust particles. *See also* Fig. 6. Each spike that is detected causes the counter 156 to increment. The spikes in the output signal are caused by dust particles that are much bigger than the particles which are otherwise detected for purposes of smoke detection. (col. 4, lines 61-65). Since Knox is only counting dust particles, rather than the amount of detected smoke, it cannot be used to ascertain the total integrated smoke hours. As such, “summing the amount of detected smoke...to ascertain total integrated smoke hours”, as recited in claim 17, is distinguished from the process of counting dust particles as described in Knox.

For at least the reasons discussed above, Applicant submits that Knox fails to anticipate claim 17.

Claim Rejections - 35 U.S.C. § 103

Claim 20 currently stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Knox (U.S. Patent No. 6,052,058). Applicant respectfully traverses this rejection as well.

Claim 20 is a computer program product which recites features analogous to the method of claim 17. As discussed above, Knox fails to teach all the elements of claim 17. Therefore, for reasons analogous to those discussed with respect to claim 17, Applicant submits that claim 20 is patentable over Knox.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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